

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CASSANDRA SIKES,

Plaintiff,

v.

PRIDE CARE PLUS,

Defendant.

Case No. _____

Hon. _____

Removed from Berrien County Trial Court-
Civil Division
Case No. 17-0113-CL
Hon. Dennis M. Wiley

Kevin S. Anderson (P48851)
KEVIN S. ANDERSON, PLC
Attorney for Plaintiff
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NOTICE AND PETITION FOR REMOVAL

Clerk of the Court
Berrien County Trial Court-Civil Division
811 Port Street
St. Joseph, MI 49085
(269) 983-7111

Kevin S. Anderson, Esq.
KEVIN S. ANDERSON, PLC
620 Broad Street, Ste. 204
St. Joseph, MI 49085
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Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant, Pride Care Plus, by its attorneys, Jackson Lewis P.C., hereby gives notice of removal of this action from the 2nd Circuit Court, County of Berrien, State of Michigan, where it is now pending, to the United States District Court for the Western District of Michigan, Southern Division. In support of its Notice and Petition for Removal, Defendant states as follows:

STATEMENT OF GROUNDS FOR REMOVAL

1. On or about May 20, 2017, Plaintiff commenced an action in Berrien County Trial Court-Civil Division, State of Michigan, by filing a Complaint entitled, *Cassandra Sikes v Pride*

Care Plus, Civil Action No. 17-0113-CD. A copy of the Summons and Complaint is attached as Exhibit 1.

2. On or about May 20, 2017, Plaintiff served Defendant, via certified mail, with a copy of Plaintiff's state Complaint.

3. Defendant reserves its rights to challenge the effectiveness and timeliness of service of process as well as its rights to assert any and all jurisdictional, procedural or substantive defenses, including, but not limited to, this Court's lack of personal jurisdiction.

4. This notice of removal is timely under 28 U.S.C. §1446(b) because it has been filed within thirty days after Defendant received a copy of Plaintiff's state Complaint.

5. The 2nd Trial Court, County of Berrien, State of Michigan is located in the Western District of Michigan, Southern Division.

6. The attached state Summons and Complaint constitute all process, pleadings and orders served upon Defendant to date in the matter pending in the 2nd Trial Court.

7. The Complaint alleges four causes of action: Counts I and II allege Violation of the Family and Medical Leave Act, 29 USC § 2601 *et seq.*; Count III alleges violations of the Michigan Persons With Disabilities Civil Rights Act, MCL § 37.1101 *et seq.*; Count IV alleges violation of the Michigan-Elliott Larsen Civil Rights Act, MCL § 37.2202 *et seq.* Thus, this is an action of a civil nature in which the District Courts of the United States have been given jurisdiction in that Counts I and II arise under the laws of the United States within the meaning of 28 U.S.C. §1331, and Counts III and IV are within the Court's supplemental jurisdiction under 28 U.S.C. § 1367. Accordingly, removal from the state court to this court is proper under 28 U.S.C. § 1441 *et seq.*

8. Notice of Removal has been served upon Plaintiff's attorney by mail and a Notice of Filing Notice of Removal is being promptly filed with the Clerk of the Court for Berrien County, State of Michigan, pursuant to § 1446(b).

WHEREFORE, Defendant respectfully requests that the above-entitled action now pending in the State of Michigan, Circuit Court for the County of Berrien, be removed pursuant to 28 U.S.C. §§ 1331, 1441 and 1446 to this Court, and that this Court accept jurisdiction of this action, and henceforth that this action be placed upon the docket of this Court for further proceedings as if this case had been originally instituted in this Court.

JACKSON LEWIS P.C.
Attorneys for Defendant

Dated: June 14, 2017

By: /s/ Timothy J. Ryan
Timothy J. Ryan (P40990)
61 Commerce Avenue, SW
Fifth Floor
Grand Rapids, MI 49503
(616) 940-0240

PROOF OF SERVICE

The undersigned hereby certifies that the foregoing instrument was served upon all parties/attorneys in the above cause at their respective addresses disclosed on the pleadings on June 14, 2017 by:

☐ Hand Delivery
☒ ECF

☒ U. S. Mail
☐ FAX

/s/ Timothy J. Ryan
TIMOTHY J. RYAN